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13 UNITED STATES DISTRICT COURT
14
15 NORTHERN DISTRICT OF CALIFORNIA
16

17 JONATHAN GABRIELLI, an individual, on
18 behalf of himself, the general public, and those
19 similarly situated,

20 Plaintiff,

21 v.

22 MOTOROLA MOBILITY, LLC,

23 Defendant.

Case No. 4:24-cv-09533-JST

**DECLARATION OF JOHNATHAN A.
COLEMAN IN SUPPORT OF
DEFENDANT MOTOROLA MOBILITY,
LLC'S REQUEST FOR JUDICIAL
NOTICE AS TO MOTOROLA'S
MOTION TO DISMISS AND MOTION
TO STRIKE THE COMPLAINT**

[Assigned to the Honorable Jon S. Tigar]

Complaint Filed: January 10, 2025

DECLARATION OF JOHNATHAN A. COLEMAN

I, Johnathan A. Coleman, declare as follows:

1. I am an attorney duly licensed to practice before all the courts of the state of California and admitted in the United States District Court of Northern District of California, and I am an associate with the law firm of K&L Gates LLP, attorneys of record for Defendant Motorola Mobility, LLC (“Motorola”) in this action. I submit this Declaration in support of Motorola’s Request for Judicial Notice in support of its Motion to Dismiss and Motion to Strike the Complaint of Plaintiff Jonathan Gabrielli. I have personal knowledge of the facts stated herein and if called to testify as a witness I could and would testify competently thereto.

2. On March 1, 2025, I visited Motorola’s Website to locate Motorola’s “Website Privacy Statement” and “Terms of Use”.

3. On the same date, I accessed the “Motorola Mobility Website Privacy Statement (updated May 1, 2023)” identified and quoted in Paragraph 22 of the Complaint, by accessing the URL provided in Footnote 1 of the Complaint.

4. As acknowledge in Footnote 1, Motorola’s Website Privacy Statement has subsequently been updated. However, Motorola is seeking judicial notice of the Privacy Statement (updated May 1, 2023), as the Complaint alleges it was this version that was in effect at the time Plaintiff visited Motorola’s Website, and which was in effect during the relevant time period.

5. I expanded each of the sections shown in the Privacy Statement, and then printed the entire webpage to PDF. A true and correct copy of Motorola’s “Website Privacy Statement (updated May 1, 2023)” is attached hereto as **Exhibit “A”**.

6. I further reviewed the Website for Motorola’s “Terms of Use”. The statement depicts that it was last updated on November 18, 2014, and has been in effect since that time. As such, this version of the Terms of Use was in effect during the time period relevant to the instant action. I then printed the entire webpage to PDF. A true and correct copy of Motorola’s “Terms of Use” (updated November 18, 2014) is attached hereto as **Exhibit “B”**.

1 7. One the same date, I visited California Legislative Information, a website located at
2 the URL www.leginfo.legislature.ca.gov. I located the Bill Analysis from the Assembly Committee
3 on Privacy and Consumer Protection for the 2015-2016 Regular Session for Assembly Bill 929. I
4 then printed the entire webpage to PDF. A true and correct copy of which is attached hereto as
5 **Exhibit "C"**.

6 8. Lastly, I visited the website of the Los Angeles Superior Court. I navigated the
7 website and downloaded the second amended complaint in the matter of *Rodriquez v. Fountain9,*
8 *Inc.*, in the Superior Court of California, for the County of Los Angeles, with a case number
9 24STCV04504. The download produced a PDF, a true and correct copy of which is attached hereto
10 **as Exhibit "D"**.

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12 I declare under penalty of perjury under the laws of the State of California that the
13 foregoing is true and correct.

14 Executed on March 2, 2025 in Los Angeles, California.

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Johnathn A. Coleman